



General Assembly

Substitute Bill No. 5313

February Session, 2010

* _____HB05313KIDJUD031010_____ *

AN ACT CONCERNING VISITATION TO GRANDCHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-59 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) The Superior Court may grant the right of visitation with respect
4 to any minor child or children to any person, upon an application of
5 such person. Such order shall be according to the court's best judgment
6 upon the facts of the case and subject to (1) the provisions of
7 subsection (b) of this section; and (2) such conditions and limitations as
8 it deems equitable, provided the grant of such visitation rights shall
9 not be contingent upon any order of financial support by the court. In
10 making, modifying or terminating such an order, the court shall be
11 guided by the best interest of the child, giving consideration to the
12 wishes of such child if he is of sufficient age and capable of forming an
13 intelligent opinion. Visitation rights granted in accordance with this
14 section shall not be deemed to have created parental rights in the
15 person or persons to whom such visitation rights are granted. The
16 grant of such visitation rights shall not prevent any court of competent
17 jurisdiction from thereafter acting upon the custody of such child, the
18 parental rights with respect to such child or the adoption of such child
19 and any such court may include in its decree an order terminating
20 such visitation rights.

21 (b) In the case of an application for visitation by a grandparent, the
22 court shall grant an order if the applicant demonstrates by clear and
23 convincing evidence that visitation is in the best interests of the child
24 and at least one of the following: (1) The parent, who is the child of the
25 grandparent, has been absent for a significant period of time; (2) the
26 applicant's relationship with the child has been parental in nature for a
27 substantial period of time; or (3) the child will suffer real and
28 substantial harm or neglect if visitation is not granted.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2010	46b-59
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KID

Joint Favorable Subst. C/R

JUD